APPENDIX

Constitutional Language Creating School System:

Washington	"The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established. . . ." *Wash. Const.* Art. IX, Sec. 2.
Arizona	"The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include kindergarten schools, common schools, high schools, normal schools, industrial schools, and a university. . . ." *Ariz. Const.* Art. XI, Sec. 1.
Colorado	"The General Assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state. . . ." *Colo. Const.* Art. IX, Sec. 2.
Delaware	"The General Assembly shall provide for the establishment and maintenance of a general and efficient system of full public schools. . . ." *Del. Const.* Art. 10, § 1.
Illinois	"The State shall provide for an efficient system of high quality public education institutions and services. . . ." *Ill. Const.* Art. X, Sec. 1.
Kansas	"The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools. . . ." *Kan. Const.* Art. 6, § 1.
Maryland	"The General Assembly . . . shall by law establish throughout the State a thorough and efficient System of Free Public Schools. . . ." *Md. Const.* Art. VIII, Sec. 1.

Michigan	"The legislature shall maintain and support a system of full public . . . schools as defined by law." *Michigan Const.* Art. 8, § 2, cl.1.
Minnesota	"The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools.. . ." *Minn. Const.* Art. XII, Sec. 1.
New Jersey	"The legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools.. . ." *N.J. Const.* Art. VIII, Sec. 4, Para 1.
North Carolina	"The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students." *N.C. Const.* Art. 9, § 2.
South Carolina	"The General Assembly shall provide for the maintenance and support of a system of full public schools open to all children in the State and shall establish, organize and support such other public institutions of learning as may be desirable." *S.C. Const.* Art. 11, § 3.
Virginia	"The General Assembly shall provide for a system of free public [schools] . . . and shall seek to ensure that an educational program of high quality is established and continually maintained." *Va. Const.* Art. VIII, Sec. 1.

Language Assigning Power Over Schools:

Washington	"The administration of the public school system shall be entrusted to *such state and local officials, boards* and committees as the state Constitution and the laws of the state shall provide." *Wash. Rev. Code* 28A.02.020 (1974) (emphasis added).

Arizona	"The general conduct and supervision of the public school system shall be vested in a State Board of Education, a State Superintendent of Public Instruction, county school superintendents, and such governing boards for the state institutions as may be provided by law." *Ariz. Const.* Art. XI, Sec. 2.
Colorado	"The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law. . . ." *Colo. Const.* Art. IX, Sec. 1.
Delaware	"The general administration and supervision of the free public schools and of the educational interests of the State shall be vested in a State Board of Education. . . ." *Del. Code. Ann.* tit. 14 § 101 (1978).
Illinois	"The [State] Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. . . ." *Ill. Const.* Art. X, Sec. 2., Para. a.
Kansas	"The legislature shall provide for a state board of education which shall have general supervision of public schools, educational institutions and all the educational interests of the state. . . ." *Kans. Const.* Art. 6, § 2, para. a.
Maryland	The Department of Education has authority over the "general care and supervision of public elementary and secondary education." *Md. Ann. Code.* § 2-106 (Cum. Supp. 1981).
Michigan	"Leadership and general supervision over all public education . . . is vested in a state board of education." *Mich. Const.* Art. 8, § 3, para. 1.

Minnesota	The State Board of Education "shall exercise general supervision over public schools. . . ." *Minn. Gen. Stat.* § 121.11(7) (Cum. Supp. 1981).
New Jersey	"The general supervision and control of public education . . . shall be vested in the state boards. . . ." *N.J. Stat. Ann.* § 18A: 4-10 (1978).
North Carolina	"The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support. . . ." *N.C. Const.* Art. 9, § 5.
South Carolina	No comparable provision.
Virginia	"The general supervision of the school system shall be vested in a Board of Education. . . ." *Va. Const.* Art. VIII, Sec. 4.

Grant Of Power To State Board Of Education

Washington	The state board is given the power to, among other things, determine the curriculum, establish requirements for teacher certification, and promote the interests of the common schools. *Wash. Rev. Code* 28A.04.121 (1981).
Arizona	The state board is created by *Ariz. Const.* Art. XI, Sec. 3. It is given the power to define the curriculum, exercise general supervision over schools and graduation requirements, devise uniform evaluations, and set teacher certification requirements, among other things. *Ariz. Gen. Stat.* § 15-502 (Cum. Supp. 1981).
Colorado	The state board must exercise general supervisory powers, plan education budget, set certification requirements for teachers, and appraise the quality of the public school system, among other things. *Colo. Gen. Stat.* § 22-2-107, 2-109, 7-103 (Cum. Supp. 1981).

Delaware	The state board of education shall determine the educational policy of the state. *Del. Code Ann.*, tit. 14 § 121 (1978). In addition, the board has the power to adopt rules and regulations governing teacher certification, minimum course study, and textbook selection, among other things. *Id.* § 122 (1978 & Cum. Supp. 1981).
Illinois	"The [State] Board, except as limited by law, may establish goals, determine policies, provide for planning and evaluating education programs and recommend financing. . . ." *Ill. Const.* Art. X, Sec. 2, Para. a.
Kansas	Among other powers, the state board is given the authority to set the course of study, accredit schools and certify teachers. *Kan. Stat. Ann.* § 72-7513 (1980).
Maryland	The State Board of Education has, among other things, the power to determine educational policy, set guidelines for instruction, and determine professional needs. *Md. Code Ann.* § 2-205 (Cum. Supp. 1981).
Michigan	The state board shall supervise and advise local school districts on textbook selection and curriculum development. *Mich. Stat. Ann.* § 1158 (Cum. supp. 1981).
Minnesota	"The board shall establish rules relating to examinations, reports, . . . courses of study . . . in connection with [public] schools applying for special state aid." *Minn. Gen. Stat.* § 121.11(7) (Cum. Supp. 1981).
New Jersey	The state board shall formulate plans, make rules to implement policy, and have incidental power necessary to fulfill its duty. *N.J. Stat. Ann.* § 18A:4-10-4-16 (Cum. Supp. 1981).

North Carolina — The state board is created by *N.C. Const.* Art. 9, § 4. The board is given the power to approve the course of study, adopt textbooks, set salaries, and appropriate the financial resources of the state, among other things. *N.C. Gen. Stat.* § 115C-12 (Cum. Supp. 1981).

South Carolina — The state board education is created by *S.C. Const.* Art. 11 § 1. The board is given the powers to set the course of study, select texts, adopt minimum standards of performance, and to adopt rules and policies for the governance of the public schools. *S.C. Code* § 59-5-60 (1978).

Virginia — The school board shall set standards of quality, approve textbooks, and set educational policy. *Va. Code Ann.* § 22.1-8 (1978).

Grant Of Power To State Superintendent

Washington — The office of superintendent of public instruction is charged with power to supervise all matters pertaining to the public school of the state. *Wash. Rev. Code* 28A.03.030 (1981).

Arizona — The office is created by *Ariz. Const.* Art. XI, Sec. 4. The state superintendent of Public Instruction has the power to generally supervise all public schools and to direct the work of all board employees, along with numerous other more specific duties. *Ariz. Gen. Stat.* § 5-121-22 (Cum. Supp. 1981).

Colorado — A commissioner of education is created by *Colo. Const.* Art. IX, Sec. 1, Para. 2. The commissioner is the chief state school officer and is given broad authority to implement education policy. *Colo. Gen. stat.* § 22-2-112 (Cum. Supp. 1981).

Delaware	"The Board shall prescribe the duties of the Superintendent of Public Instruction and shall invest him with such powers as it deems proper. . . ." *Del. Code Ann.* tit. 14 § 121 (1978).
Illinois	"The State Board of Education shall appoint a chief state educational officer." *Ill. Const.* Art. X, Sec. 2, Para 6.
Kansas	"The State Commissioner of education is created by *Kan. Const.* Art 6, § 4. The state board of education is given the authority to set the duties of the commissioner." *Kan. Stat. Ann.* § 72-7601 (Cum. Supp. 1980).
Maryland	The State Superintendent has the power to implement educational policies, certify teachers, and approve building plans. *Md. Code Ann.* § 2-303 (Cum. Supp. 1981).
Michigan	"The state board of education shall appoint a superintendent of public instruction. . . . He shall be the chairman of the board . . . and shall be responsible for the execution of its policies." *Mich. Const.* Art. 8, § 3, ¶ 2.
Minnesota	"The State Commissioner has the power to administer all laws and rules promulgated by the state board. *Minn. Gen. Stat.* § 121.09 (Cum. Supp. 1981).
New Jersey	Among other things, the state commissioner may prescribe minimum courses of study, subject to board approval. *N.J. Stat. Ann.* § 18A:4-25 (1978).
North Carolina	The Superintendent of Public Instruction has the duty to administer the instructional policies that are established by the State Board of Education. *N.C. Gen. Stat.* § 115c-21 (Cum. Supp. 1981).

South Carolina	The State Superintendent of Education shall be the chief administrator of the public schools. *S.C. Const.* Art. 11, § 2. The Superintendent is charged with administering the policies adopted by the state department of education. *S.C. Code* § 59-3-30 (1978).
Virginia	The Superintendent of Public Instruction shall have such powers as are prescribed by law. *Va. Const.* Art. VIII, Sec. 6.

Grant Of Power To Local Boards Of Education

Washington	RCW 28A.58 and 28A.59 define the specific power of local boards. The power includes the right to prescribe a course of study consistent with that planned by the state board. *Wash. Rev. Code* 28A.59.180(5) (1981).
Arizona	The local boards has the power to enforce the course of study selected by the state board, choose textbooks, make rules for student discipline, and maintain school property. *Ariz. Gen. Stat.* § 15-442-43 (Cum. Supp. 1981).
Colorado	Local school boards have "control of instruction" in the public school of their district. *Colo. Const.* Art. IX, Sec. 15. They have the statutory power to define the educational program to be offered, along with numerous specific powers. *Colo. Gen. Stat.* § 22-32-109-110 (Cum. Supp. 1981).
Delaware	The local school boards may select texts, set educational policy and adopt courses of study, in accordance with the rules and regulations promulgated by the State board of education. *Del. Code Ann.* tit. 14 § 1049 (1978).
Illinois	The local boards have broad power to decide upon course of study, choose texts, and set testing standards, among other things. *Ill. Rev. Stat.* § 10-20-1-30, 10-21.1-.6 (Cum. Supp. 1981).

Kansas	"Local public schools under the general supervision of the state board of education shall be maintained, developed, and operated by locally elected boards." *Kan. Const.* Art. 6, § 5. The board in each district has the power to set the course of study, adopt teaching standards, and select texts, subject to the approval of the state board. *Kan. State. Ann.* § 72-8205 (1980).
Maryland	"Educational matters that affect the counties shall be under the control of a county board of education. . . ." *Md. Code Ann.* § 4-101 (Cum. Supp. 1981). Each county board must "carry out the . . . policies of the State board." Id. § 4-107.
Michigan	*Mich. Stat. Ann.* §§ 380.1201-1347 (Cum. Supp. 1981) provide numerous specific directives to the local boards including the right to establish attendance zones within each district. *Id.* § 320.1283.
Minnesota	"The care, management and control of a common district is vested in a board of three members to be known as the school board." *Minn. Gen. Stat.* § 123.12 (1978).
New Jersey	"The schools of each school district shall be conducted by . . . a board of education. . . ." *N.J. Stat. Ann.* § 18A:10-1 (1978). The local boards must enforce the rules of the state board, and may make rules not inconsistent with those of the state board. *Id.* § 19A:11-1.
North Carolina	"All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed upon local boards of education. Said boards of education shall have general control and supervision of all matters pertaining to the public schools in their respective

	administrative units and they shall enforce the school law in their respective units." *N.C. Gen. Stat.* § *115C-36* (Cum. Supp. 1981). In addition, specific grants of power relating to the administration of local schools are given. *Id.* § 115C-47.
South Carolina	The board of trustees of each school district has the power to set standards for scholastic achievement, control local education interests, and transfer pupils if necessary to promote the best interests of education. *S.C. Code* § 59-19-90 (1978 & Cum. Suppl. 1981).
Virginia	"The supervision of schools in each school division shall be vested in a school board. . . ." *Va. Const.* Art. VIII, Sec. 7; *Va. Code Ann.* § 22.1-28 (1978). The local boards may set curriculum and determine schedules provided the action is not inconsistent with a rule of the state board. *Id.* § 22.1-79.

CERTIFICATION OF SERVICE

I, Gwendolyn H. Gregory, hereby certify that on _____, 19 ___, I served the foregoing *amicus curiae* brief of the National School Boards Association in Support of Appellees by first class mail, postage prepaid, upon the following:

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